REMARKS

I. Status of claims

Claims 37, 42, 44, and 51 are pending. Claims 37, 42, 44, and 51 are rejected under 35 U.S.C. §103(a). Claims 37, 44 and 51 are amended to more clearly recite the subject matter which Applicant regards as the invention. The amendment includes no new matter.

II. The rejection of claims 37, 42, 44, and 51 under 35 U.S.C. § 103(a) may be withdrawn.

Claims 37, 42, 44 and 51 are rejected under 35 U.S.C. § 103(a) as assertedly unpatentable over Lee *et al.* ("Lee") in view of Harlow and Lane ("Harlow and Lane"). Specifically, the Examiner asserted that Lee discloses an immunogenic composition comprising a tau peptide comprising fragment 259-267 of SEQ ID NO:1 which was isolated from the brains of AD patients. Applicants respectfully traverse.

At the outset, Applicants point out that claims 37, 44, and 51 have been amended to remove the term "essentially" such that these claims now recite "consisting of" with respect to the tau fragment amino acid sequence. Applicants submit that Lee does not disclose the tau fragment amino acid sequence of " Lys-Ile-Gly-Ser-Thr-Glu-Asn-Leu-Lys." Rather Lee only discloses a portion of the aforementioned tau fragment amino acid sequence at page 677, middle of left column.

Moreover, even assuming argunedo that Lee discloses the claimed tau fragment amino acid sequence, Lee actually identifies a different motif within human tau as likely responsible for the conversion of normal human tau to A68 (See, e.g., page 678, middle of left column). Indeed, Lee concludes that "Our data also suggest that abnormal phosphorylation plays a major mechanistic role in the sequence of events leading to the formation of PHFs from normal τ, and we identified one potential abnormal phosphate acceptor site as Ser^{96} in the normal human τ KSPV motif." (Page 678, last paragraph of middle column) Even further, to the extent that Lee suggests that other motifs may play a role in the transformation of τ to A68, Lee implicates residues 189-207 and 44-47 (See, e.g., page 678, bottom of middle column, bridging right column).

Thus, to the extent that Lee discloses epitopes containing phosphorylatable serine residues involved in the transformation of normal human tau to A68, Lee actually teaches away from the fragment comprising amino acids 251-264. Indeed, this fragment was only identified for the purpose of comparing the sequence of τ to A68.

In view of the amendment and arguments set forth above, Applicants submit the rejection of claims 37, 42, 44, and 51 under 35 U.S.C. § 103(a), may properly be withdrawn.

CONCLUSION

In view of the above arguments and amendments, Applicants believe the pending application is in condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Dated: December 12, 2007

Respectfully submitted,

By _____

Eric M. Brusca, Ph.D.
Registration No.: 52,664
MARSHALL, GERSTEIN & BORUN LLP
233 S. Wacker Drive, Suite 6300
Sears Tower
Chicago, Illinois 60606-6357
(312) 474-6300
Attorney for Applicant